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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CRIMINAL MISC. PETITION NO.795/07

Satyanaryan Mahadeolal Agarwal

Versus

State & Ors.

DATE OF ORDER :: 21/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Dr.P.C. Jain assisted by Miss Uma S.Agarwal, for petitioner-complainant

Mr. Arun Sharma, Public Prosecutor for State

Mr. A.K. Gupta, for respondents

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Instant petition has been filed by petitioner-complainant assailing order dated 27th April, 2007 whereby learned trial Judge after taking note of negative Final Report, protest petition, the statements recorded u/ss.200 & 202 Cr.P.C. and after hearing counsel for petitioner while accepting negative Final Report, rejected the complaint and finally discharged the accused under order impugned.

It is relevant to refer that earlier learned trial Judge took cognizance against present respondents for offence u/ss.143, 453 & 380 IPC – against which respondents herein filed revision petition, which was allowed on 27th January, 2007 and matter was remanded back to learned trial Judge to reconsider the negative FR and so also the statements recorded on complaint/protest

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petition filed by petitioner and pass orders afresh in accordance with law. Against the order of revisional court dated 27th January, 2007, present petitioner approached this court by filing Revision Petition No.118/07 which was dismissed on 26th March, 2007. Learned trial Judge after remand, reconsidered the matter afresh and taking note of negative FR and so also statements recorded therein, finally accepted the negative Final Report under order impugned.

Indeed, the order assailing herein is revisable and revision petition u/s.397 Cr.P.C. is maintainable.

Objection raised by petitioner's counsel is that since one of the party has approached the revisional court and now approaching the revisional court against the present order impugned will not do justice with the party.

This Court is of the opinion that earlier the matter was remanded for reconsideration in accordance with law and learned trial Judge has re-examined the matter and passed an order impugned and the apprehension of petitioner's counsel is not justiciable and this court is of the opinion that in view of availability of remedy of revision, it will not be appropriate to invoke the inherent jurisdiction by this court u/s.482 Cr.P.C.

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Accordingly, the misc. petition stands dismissed. However, if petitioner prefers revision petition along with application u/s.5 of Limitation Act seeking condonation, the same may be considered taking note of pendency of this petition in this court and objectively decide the same in accordance with law. Relevant papers be made available to petitioner on furnishing xerox copies of the same.

[AJAY RASTOGI], J.